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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,305	01/05/2005	Detlef Mattinger	3156	5070
7590	12/02/2005		EXAMINER	
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			LU, JIPING	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	10/520,305	MATTINGER ET AL.
	Examiner Jiping Lu	Art Unit 3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) ____ is/are allowed.
 6) Claim(s) 1-12 is/are rejected.
 7) Claim(s) ____ is/are objected to.
 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/5/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5, 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Teranishi (French Patent 1,387,334).

Teranishi shows a device (Fig. 1) for a hair dryer 1 and having a fan 2 and a heater 13 for generating a central hot-air stream 11 and having a concentric cold-air stream 5-7 at a blower opening (not numbered). An air nozzle attachment 4 is embodied as connectable to the blower opening 4. The air nozzle attachment 4 from the central hot-air stream (at 3). The concentric cold-air stream (at 5- 7) of the hair dryer 1 generates a hot-air stream 11 and a cold-air stream (5-7) that are located side by side. For claim 2, see attachment 4, on the end with the blower opening, has a central conduit entrance 8 and a coaxial conduit entrance (at 6), and the central conduit entrance (at 8) discharges into a hot-air nozzle (at 4) and the coaxial conduit entrance (8) discharges into a cold-air nozzle (at 5, 7). The hot-air nozzle (at 4) and the cold-air nozzle (5-7) are located side by side. The hot-air nozzle (at 4) has a smaller blower cross section than the blower cross section (at 4) of the cold-air nozzle (at 5, 7). With regard to claim 12, the motor speeds maybe be selectively controlled.

3. Claims 1-2, 5, 8, 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Guenin (EP 0970633).

Guenin shows a device (Fig. 1) for a hair dryer 1 and having a fan 5 and a heater 12 for generating a central hot-air stream 29 and having a concentric cold-air stream 2 at a blower opening 23. An air nozzle attachment 23 is embodied as connectable to the blower opening (at 27). The air nozzle attachment 23 from the central hot-air stream (at 29). The concentric cold-air stream (at 2) of the hair dryer 1 generates a hot-air stream 29 and a cold-air stream (2) that are located side by side. For claim 2, see attachment 23. On the end with the blower opening (at 27) has a central conduit entrance (at 9) and a coaxial conduit entrance (at 30), and the central conduit entrance (at 9) discharges into a hot-air nozzle (at 29) and the coaxial conduit entrance (2) discharges into a cold-air nozzle (at 27). The hot-air nozzle (at 29) and the cold-air nozzle (at 27) are located side by side. The hot-air nozzle (at 29) has a smaller blower cross section than the blower cross section (at 2) of the cold-air nozzle (at 27). With regard to claim 12, the motor speeds maybe be selectively controlled.

4. Claims 1-2, 5, 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Zenz, (German Pat. 9001199).

Zenz shows a device (Fig. 1) for a hair dryer 10 and having a fan 14 and a heater 36 for generating a central hot-air stream 34 and having a concentric cold-air stream 42 at a blower opening 12. An air nozzle attachment 38 is embodied as connectable to the blower opening 12. The air nozzle attachment 38 from the central hot-air stream 34. The concentric cold-air stream 38 of the hair dryer 1 generates a hot-air stream 38 and a cold-air stream (between 38, 42) that are located side by side. For claim 2, see attachment 38, on the end with the blower opening (at 34) has a central conduit entrance and a coaxial conduit entrance, and the central conduit entrance discharges into a hot-air nozzle (at 40) and the coaxial conduit entrance discharges into

a cold-air nozzle (at 42). The hot-air nozzle (at 40) and the cold-air nozzle (at 42) are located side by side. The hot-air nozzle (at 40) has a smaller blower cross section than the blower cross section of the cold-air nozzle (at 42). With regard to claim 12, the motor speeds maybe be selectively controlled.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3, 4, 6-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teranishi (French Patent 1,387,334) or Guenin (EP 0970633) or Zenz, (German Pat. 9001199).

The device of Teranishi or Guenin or Zenz as above includes all that is recited in claims 3, 4, 6-7, 9-11 except for the shape, cross section, length, color and material. It would have been

an obvious matter of design choice to design the nozzle of Teranishi or Guenin or Zenz with any desired shape, cross section, length, color and material in order to obtain the optimum result since applicant has not disclosed that the claimed nozzle shape, cross section, length, color and material solve any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill in the art and it appears that the claimed feature does not distinguish the invention over similar features in the prior art.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jiping Lu
Primary Examiner
Art Unit 3749